
STATUTORY INSTRUMENTS

2008 No. 1741

**The Representation of the People
(Northern Ireland) Regulations 2008**

PART 2 **N.I.**

SERVICE AND OVERSEAS ELECTORS' DECLARATIONS

Service declarations

Qualification for Crown servant **N.I.**

16. The class or description of person prescribed for the purposes of section 14(1)(b) of the 1983 Act are such persons (other than members of the forces within the meaning of section 59(1) of the 1983 Act) who are employed in the service of the Crown in a post outside the United Kingdom and who are required to devote their whole working time to the duties of such a post and whose remuneration in respect of that post is paid wholly out of money provided by Parliament.

Contents of service declaration **N.I.**

17.—(1) In addition to the matters specified in paragraphs (a) to (f) of section 16 of the 1983 Act⁽¹⁾, a service declaration shall state—

- (a) the declarant's full name and present address;
- (b) the ground on which the declarant claims a service declaration; and
- (c) such of the particulars specified in paragraphs (2), (3) or (4) as are relevant to the service qualification claimed by the declarant.

(2) Where the declarant claims a service qualification on the grounds that he is a member of the forces (within the meaning of section 59(1) of the 1983 Act) or the spouse or civil partner of such a member, the service declaration shall state—

- (a) the service (whether naval, military or air forces) in which that member serves;
- (b) the rank or rating of that member; and
- (c) the service number of that member,

and where that member serves in the military forces, the service declaration shall in addition state the regiment or corps in which he serves.

(3) Where the declarant claims a service qualification on the grounds that he is a Crown servant to whom regulation 16 applies or the spouse or civil partner of such a servant, the service declaration shall state—

- (a) the name of the Government department in which that servant works; ^{F1}...

(1) Section 16 was amended by Schedule 1 to the 2000 Act, [S.I. 1995/1948](#) and section 261(1) of, and paragraph 81 of Schedule 27 to, the Civil Partnership Act 2004 (c.33).

Status: Point in time view as at 16/01/2024.

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- (b) a description of the post of that servant [F2; and]
- [F3(c) any staff number, payroll number or other similar identifying number of that servant.]
- (4) Where the declarant claims a service qualification on the grounds that he is a British Council employee or the spouse or civil partner of such an employee, the service declaration shall [F4 state—
 - (a) a description of the post of that employee; and
 - (b) any staff number, payroll number or other similar identifying number of that employee.]

Textual Amendments

F1 Word in reg. 17(3)(a) omitted (31.5.2018) by virtue of The Representation of the People (Electronic Communications and Amendment) (Northern Ireland) Regulations 2018 (S.I. 2018/699), regs. 1(2), **12(2)(a)**

F2 Word in reg. 17(3)(b) inserted (31.5.2018) by The Representation of the People (Electronic Communications and Amendment) (Northern Ireland) Regulations 2018 (S.I. 2018/699), regs. 1(2), **12(2)(b)**

F3 Reg. 17(3)(c) inserted (31.5.2018) by The Representation of the People (Electronic Communications and Amendment) (Northern Ireland) Regulations 2018 (S.I. 2018/699), regs. 1(2), **12(2)(c)**

F4 Words in reg. 17(4) substituted (31.5.2018) by The Representation of the People (Electronic Communications and Amendment) (Northern Ireland) Regulations 2018 (S.I. 2018/699), regs. 1(2), **12(3)**

Transmission of service declaration **N.I.**

^{F5}18.

Textual Amendments

F5 Reg. 18 revoked (31.5.2018) by The Representation of the People (Electronic Communications and Amendment) (Northern Ireland) Regulations 2018 (S.I. 2018/699), regs. 1(2), **13(1)**

Notification by registration officer in respect of service declaration **N.I.**

19.—(1) Where the registration officer is satisfied that the service declaration is duly made he shall so notify the declarant.

(2) Where the registration officer rejects an application for registration in pursuance of a service declaration because it—

- (a) does not contain the particulars required in paragraphs (a) to (f) of section 16 of the 1983 Act and regulation 17; or
- (b) does not comply with the requirements of sections 14 and 15 of the 1983 Act(2) or, where appropriate, regulation 17 ^{F6}...,

he shall return the declaration to the declarant setting out his reasons for so doing.

(2) Sections 14 and 15 were amended by Schedule 1 to the 2000 Act; section 14 was amended by section 261(1) of, and paragraph 80 of Schedule 27 to, the Civil Partnership Act 2004 (c.33) and section 15(5)(a) was amended by S.I.1995/1948, section 15(2)(aa) was inserted by section 12(7) of the 2006 Act and subsections (9) to (12) were inserted by section 13 of that Act.

Textual Amendments

- F6** Words in [reg. 19\(2\)\(b\)](#) omitted (31.5.2018) by virtue of [The Representation of the People \(Electronic Communications and Amendment\) \(Northern Ireland\) Regulations 2018 \(S.I. 2018/699\)](#), regs. 1(2), 13(2)

Overseas elector's declarations

[^{F7}Contents of overseas elector's declaration **N.I.**

20.—(1) In addition to the information required or permitted by section 1C of the 1985 Act, an overseas elector's declaration must—

- (a) state the present address of the person making the declaration (“the declarant”),
- (b) state—
 - (i) where the declarant has a passport (current or expired) which describes the declarant as a British citizen, the number of that passport, together with its date and place of issue;
 - (ii) otherwise—
 - (aa) where the declarant was born in the United Kingdom before 1st January 1983, a statement as to that fact;
 - (bb) in all other cases, a statement as to when and how the declarant acquired the status of British citizen, together with the date, place and country of the declarant's birth, and
- (c) if the declaration includes a statement under section 1C(5) of the 1985 Act (statement that declarant is an eligible Irish citizen), state—
 - (i) where the declarant has an Irish passport (current or expired), the number of that passport, together with its date and place of issue;
 - (ii) otherwise, a statement as to when and how the declarant acquired the status of Irish citizen, together with the date, place and country of the declarant's birth.

(2) Where the declarant is seeking to be registered in reliance on the previous registration condition, the declaration must also—

- (a) include—
 - (i) an indication as to whether the declarant's name has changed since the declarant was last included in the register, and
 - (ii) where the indication is that the declarant's name has changed—
 - (aa) the name in respect of which the declarant was last included in the register, and
 - (bb) the reason for the change, and
- (b) include an indication as to whether the declarant was last registered in pursuance of—
 - (i) an overseas elector's declaration,
 - (ii) a service declaration, or
 - (iii) a declaration of local connection.

(3) Where the declarant is seeking to be registered in reliance on the previous residence condition, the declaration must also—

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- (a) include—
 - (i) an indication as to whether the declarant’s name has changed since the last day on which the declarant was resident in the United Kingdom, and
 - (ii) where the indication is that the declarant’s name has changed—
 - (aa) the declarant’s name on the last day on which the declarant was resident in the United Kingdom, and
 - (bb) the reason for the change,
- (b) include an indication as to whether the declarant was under 18 years old on the last day on which the declarant was resident in the United Kingdom, and
- (c) where the declarant is seeking to be registered in reliance on the previous residence condition by virtue of section 1A(3)(b)(ii) of the 1985 Act (previous residence condition: declaration of local connection), include—
 - (i) a statement as to which of the categories of person mentioned in section 7B(2)(a) to (c) of the 1983 Act (notional residence: declarations of local connection) the declarant fell within on the last day on which the declarant was resident in the United Kingdom, and
 - (ii) where the declarant fell within the category of person mentioned in section 7B(2) (a) or (b) of the 1983 Act on that day, the name and address of the mental hospital at which the declarant was a patient or (as the case may be) the place at which the declarant was detained.

(4) Where the declaration includes an indication that the declarant was under 18 years old on the last day on which the declarant was resident in the United Kingdom, the declarant may provide as part of the declaration any information or document described in regulation 27ZA.

(5) In paragraph (1)(b)(ii)(aa), “the United Kingdom” has the meaning given in section 50 of the British Nationality Act 1981.]

Textual Amendments

F7 Reg. 20 substituted (16.1.2024) by [The Representation of the People \(Overseas Electors etc.\) \(Amendment\) \(Northern Ireland\) Regulations 2024 \(S.I. 2024/43\)](#), regs. 1(1), 5 (with reg. 27(1))

Certain declarants to supply copy of birth certificates **N.I.**

^{F8}**21.**

Textual Amendments

F8 Reg. 21 omitted (16.1.2024) by virtue of [The Representation of the People \(Overseas Electors etc.\) \(Amendment\) \(Northern Ireland\) Regulations 2024 \(S.I. 2024/43\)](#), regs. 1(1), 6 (with reg. 27(1))

Attestation of certain overseas electors’ declarations **N.I.**

^{F9}**22.**

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Textual Amendments

F9 Reg. 22 revoked (31.5.2018) by The Representation of the People (Electronic Communications and Amendment) (Northern Ireland) Regulations 2018 (S.I. 2018/699), regs. 1(2), 14(1)

Notification about registration as overseas elector N.I.

23.—(1) Where the registration officer is satisfied that the declarant qualifies as an overseas elector under [F10section 1A] of the 1985 Act, he shall so notify the declarant [F11in writing].

(2) Where the registration officer rejects an application for registration in pursuance of an overseas elector’s declaration because—

- (a) in his opinion the declarant does not qualify as an overseas elector under [F12section 1A] of the 1985 Act, or
(b) the declaration does not satisfy the requirements of [F13section 1C] of the 1985 Act or regulation 20[F14 ..., F12 ...

F15(c)

[F16the registration officer must notify the declarant in writing and set out their reasons for rejecting the application.]

F17(3)

Textual Amendments

- F10 Words in reg. 23(1) substituted (16.1.2024) by The Representation of the People (Overseas Electors etc.) (Amendment) (Northern Ireland) Regulations 2024 (S.I. 2024/43), regs. 1(1), 7(a)(i) (with reg. 27(1))
F11 Words in reg. 23(1) inserted (16.1.2024) by The Representation of the People (Overseas Electors etc.) (Amendment) (Northern Ireland) Regulations 2024 (S.I. 2024/43), regs. 1(1), 7(a)(ii) (with reg. 27(1))
F12 Words in reg. 23(2)(a) substituted (16.1.2024) by The Representation of the People (Overseas Electors etc.) (Amendment) (Northern Ireland) Regulations 2024 (S.I. 2024/43), regs. 1(1), 7(b)(i) (with reg. 27(1))
F13 Words in reg. 23(2)(b) substituted (16.1.2024) by The Representation of the People (Overseas Electors etc.) (Amendment) (Northern Ireland) Regulations 2024 (S.I. 2024/43), regs. 1(1), 7(b)(ii) (with reg. 27(1))
F14 Words in reg. 23(2)(b) omitted (31.5.2018) by virtue of The Representation of the People (Electronic Communications and Amendment) (Northern Ireland) Regulations 2018 (S.I. 2018/699), regs. 1(2), 14(2)
F15 Reg. 23(2)(c) and word omitted (16.1.2024) by virtue of The Representation of the People (Overseas Electors etc.) (Amendment) (Northern Ireland) Regulations 2024 (S.I. 2024/43), regs. 1(1), 7(b)(iii) (with reg. 27(1))
F16 Words in reg. 23(2) substituted (16.1.2024) by The Representation of the People (Overseas Electors etc.) (Amendment) (Northern Ireland) Regulations 2024 (S.I. 2024/43), regs. 1(1), 7(b)(iv) (with reg. 27(1))
F17 Reg. 23(3) revoked (31.12.2020) by The European Parliamentary Elections Etc. (Repeal, Revocation, Amendment and Saving Provisions) (United Kingdom and Gibraltar) (EU Exit) Regulations 2018 (S.I. 2018/1310), reg. 1, Sch. 1 Pt. 2 Table 1 (as amended by S.I. 2019/1389, regs. 1, 2(2))

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^{F18}Reminders to electors registered in pursuance of an overseas elector’s declaration **N.I.**

23A.—(1) This paragraph applies in relation to a person (“P”) who is registered in pursuance of an overseas elector’s declaration.

(2) Subject to paragraph (3), the registration officer must, during the relevant period, send to P a reminder in writing of the need to make a renewal declaration if P wishes to remain registered in pursuance of the overseas elector’s declaration.

(3) Paragraph (2) does not apply or ceases to apply where the registration officer has received—

- (a) a renewal declaration from P, or
- (b) information which indicates that P is no longer entitled to make a renewal declaration.

(4) In paragraph (2), “relevant period” means the period—

- (a) beginning with 1st July of the year in which P’s registration is due to end in accordance with section 1D(1)(a) or (3)(a) of the 1985 Act⁽²⁾, and
- (b) ending with 1st October of that year.

Textual Amendments

F18 Regs. 23A-23C inserted (16.1.2024) by [The Representation of the People \(Overseas Electors etc.\) \(Amendment\) \(Northern Ireland\) Regulations 2024 \(S.I. 2024/43\)](#), regs. 1(1), **8** (with reg. 27(2)(3))

Renewal declarations **N.I.**

23B.—(1) A renewal declaration must include, in addition to the information required or permitted by section 1E of the 1985 Act—

- (a) the declarant’s national insurance number, and
- (b) the declarant’s present address.

(2) A renewal declaration must be in writing and be signed by the declarant.

Textual Amendments

F18 Regs. 23A-23C inserted (16.1.2024) by [The Representation of the People \(Overseas Electors etc.\) \(Amendment\) \(Northern Ireland\) Regulations 2024 \(S.I. 2024/43\)](#), regs. 1(1), **8** (with reg. 27(2)(3))

Notification about continued registration as an overseas elector following renewal declaration **N.I.**

23C.—(1) Where the registration officer is satisfied that a person making a renewal declaration (“the declarant”) is entitled to remain registered in pursuance of an overseas elector’s declaration, the registration officer must notify the declarant of that fact.

(2) Where the registration officer is not so satisfied, the registration officer must notify the declarant of that fact together with the registration officer’s reasons for not being so satisfied.]

(2) Sections 14 and 15 were amended by Schedule 1 to the 2000 Act; section 14 was amended by section 261(1) of, and paragraph 80 of Schedule 27 to, the Civil Partnership Act 2004 (c.33) and section 15(5)(a) was amended by S.I.1995/1948, section 15(2)(aa) was inserted by section 12(7) of the 2006 Act and subsections (9) to (12) were inserted by section 13 of that Act.

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Textual Amendments

F18 Regs. 23A-23C inserted (16.1.2024) by The Representation of the People (Overseas Electors etc.) (Amendment) (Northern Ireland) Regulations 2024 (S.I. 2024/43), regs. 1(1), **8** (with reg. 27(2)(3))

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